

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/549,709
Confirmation No.: 7991
First-Named Inventor: Martin Twelftree
Filing Date: October 12, 2005
Group Art Unit: 4122
Examiner: Hoover, Matthew
Attorney Docket No.: 008328-000004
Title: IGNITION SYSTEM FOR A SMOKING MACHINE

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement (IDS) was electronically filed on May 6, 2009 in the above-identified patent application. This IDS forwarded a reference cited in a communication from a foreign patent office in a counterpart foreign application less than three (3) months prior to the filing of the IDS. A Petition and Certification Under 37 C.F.R. §1.97(d) was included with the May 6, 2009 IDS. Given these facts, no fee was required. Therefore, it is requested that the \$180 charged to Deposit Account No. 23-3030 on June 8, 2009 be refunded to Deposit Account No. 23-3030. This request is being made within three months from the date of the charge to Deposit Account No. 23-3030.

Respectfully submitted,

By James M. Durlacher
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June 19, 2009
Attachments

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Supplemental
Information Disclosure Statement

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. § 1.56, Applicant wishes to bring to the attention of the Examiner the following patents, publications and/or other information:

Foreign Patent References

DOCUMENT NUMBER	DATE	COUNTRY
JP 10-132804	05/22/98	JP

This information has not previously been submitted in this application, and has not heretofore been cited by the Examiner. Copies of any cited references which are not U.S. patents are enclosed.

COPY

The identified information, taken alone or in combination with other art, provides information relating to the subject matter of the invention, but fails to teach, disclose or suggest the present invention. The filing of this Supplemental Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

**CONCISE EXPLANATION
OF NON-ENGLISH REFERENCES**

A concise explanation of the relevance of the non-English language prior art patents under 37 CFR §1.98(a)(3), as presently understood by the individual designated in §1.56(c) as most knowledgeable about the content of the information is set forth below.

JP 10-132804

The Abstract of the subject Japanese reference describes both the problem to be solved and the solution in the following manner:

PROBLEM TO BE SOLVED: To obtain a detecting apparatus by which whether a cigarette is lighted well or not is detected surely by detecting infrared rays from the tip part of the cigarette ignited before by a robot device.

SOLUTION: A plurality of smoking mouths are arranged in the front plate 5 of a smoking-machine. Holders 3 are mounted on, and attached to, the respective smoking mouths. Every lighting-position detecting mechanism 20 is installed near every smoking mouth at the machine. Every head 22 is attached to the tip part of every shaft 21, and every shaft 21 is constituted in such a way that it protrudes to the front and shrinks to the rear by a driving mechanism and that it is turned by a prescribed angle. In addition, an infrared

detector is built in every head 22 so as to detect infrared ray from a burning part at every cigarette C. When every cigarette C is mounted and attached, every shaft 21 protrudes to the prescribed position in the axial direction of every cigarette C, and every head 22 is pushed back up to a burning stop position by a finger at a cigarette hand which is mounted on, and attached to, a robot device. When every cigarette C is burned up to a position corresponding to every head 22, the infrared rays are detected.

PETITION AND CERTIFICATION
UNDER 37 C.F.R. § 1.97(d)

Applicant hereby petitions the United States Patent and Trademark Office for consideration of the enclosed Supplemental Information Disclosure Statement. The undersigned hereby certifies that each item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

In accordance with § 1.97(d)(1), no fee is believed to be required. However, the United States Patent and Trademark Office is authorized to charge any fee which is required to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By James M. Durlacher
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